

## **REMARKS**

Claims 1-36, 40, and 42 have been amended in accordance with the Examiner's suggestions or to otherwise correct grammatical and typographical errors. Claim 41 has been canceled. Accordingly, claims 1-40 and 42 are pending in the application. The Applicants expressly rebut any presumption that the Applicants have surrendered any equivalents under the doctrine of equivalents and expressly state that the claims, as amended, are intended to include and encompass the full scope of any equivalents as if the claims had been originally filed and not amended.

### **I. Sequence Listing Requirement**

The specification has been objected to for failing to comply with the requirements under 37 CFR 1.821 through 1.825 as set forth in the "Notice To Comply." In response, the Applicants have amended the specification to insert the required SEQ ID NO. identifiers. In addition, the Applicants submit herewith a paper copy and computer readable form copy of the sequence listing as well as the required Statement under 37 CFR 1.821. Accordingly, it is believed the Applicants are now in full compliance with the requirements under 37 CFR 1.821 through 1.825.

### **II. Claim Rejections Under 35 USC § 112, 1st Paragraph**

Claims 40-41 were rejected under 35 USC § 112, first paragraph, because (according to the Examiner) the specification, while being enabling for the treatment of colon cancer, does not reasonably provide enablement for a method for the treatment of a disease state mediated by the inhibition of src tyrosine kinases or a method for the treatment of cancer in general.

In response, the Applicants have canceled claim 41 and amended claim 40 to be limited to a method of treating colon cancer in accordance with the Examiner's suggestion. Thus, the Applicants respectfully request that this rejection be withdrawn.

### **III. Claim Rejections Under 35 USC § 112, 2nd Paragraph**

Claims 1-42 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

First, according to the Examiner, the structural formula I in each of claims 1, 40 and 42, contains a nitrogen with open valency (e.g., the N attached to the 2-position of the bicyclic core). In response, the Applicants note that the hydrogen on the nitrogen is implicit in the structural formula but nonetheless have amended structural formula I in the claims to show the hydrogen atom on the nitrogen at the 2-position of the bicyclic core.

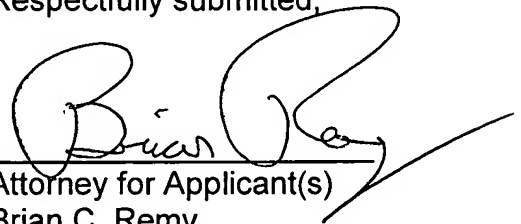
Second, according to the Examiner, the claim recitation of "a compound . . . and pharmaceutically acceptable salts" is unclear and should be changed to recite "a compound . . . or pharmaceutically acceptable salts." In response, the Applicants have amended the claims in accordance with the Examiner's suggestion.

Accordingly, the Applicants respectfully request that the rejections under 35 USC § 112, second paragraph, be withdrawn.

**Conclusion**

Entry of the foregoing amendments and remarks is respectfully requested. No fee is believed to be due in connection with the filing of this Reply. However, if any fee is deemed necessary, authorization is given to charge the amount of any such fee to Deposit Account No. 08-2525.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brian Remy", is written over a horizontal line. A long, sweeping horizontal stroke extends from the end of the signature to the right.

Attorney for Applicant(s)  
Brian C. Remy  
(Reg. No. 48176)  
340 Kingsland Street  
Nutley, NJ 07110  
Telephone (973) 235-6516  
Telefax: (973) 235-2363

231311